

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**IN RE: NATIONAL PRESCRIPTION
OPIATE LITIGATION**

This document relates to:
*The County of Summit, Ohio, et al. v. Purdue
Pharma L.P., et al.*
Case No. 18-op-45090

and

*The County of Cuyahoga v. Purdue Pharma
L.P., et al.*
Case No. 1:18-op-45004

MDL No. 2804

Hon. Judge Dan A. Polster

**DISTRIBUTOR AND MANUFACTURER DEFENDANTS' MOTION FOR LEAVE TO
FILE SUMMARY JUDGMENT MOTION UNDER SEAL**

Distributors² and Manufacturers³ seek leave to file under seal a combined brief (and exhibits) in support of a motion for partial summary judgment regarding the statute of

² Distributors include Cardinal Health, Inc., McKesson Corp., AmerisourceBergen Drug Corp. ("ABDC"), Anda, Inc., H. D. Smith, H.D. Smith, LLC f/k/a H.D. Smith Wholesale Drug Company, H.D. Smith Holdings, LLC, and H.D. Smith Holding Company, Prescription Supply Inc., Henry Schein, Inc., Henry Schein Medical Systems, Inc.

³ Manufacturers include Purdue Pharma, L.P., Purdue Pharma, Inc., The Purdue Frederick Company, Inc., Endo Health Solutions Inc., Endo Pharmaceuticals, Inc., Par Pharmaceutical, Inc., Par Pharmaceutical Companies, Inc. (incorrectly named as "Par Pharmaceutical Companies, Inc. f/k/a Par Pharmaceutical Holdings, Inc.), Janssen Pharmaceuticals, Inc., Janssen Pharmaceutica, Inc. n/k/a Janssen Pharmaceuticals, Inc., Noramco, Inc., Ortho-Mcneil-Janssen Pharmaceuticals, Inc., n/k/a Janssen Pharmaceuticals, Inc., Johnson & Johnson, Teva Pharmaceutical Industries Ltd., Teva Pharmaceuticals USA, Inc, Cephalon, Inc., Allergan PLC f/k/a Actavis PLC, Allergan Finance, LLC, f/k/a Actavis, Inc., f/k/a Watson Pharmaceuticals, Inc., Watson Laboratories, Inc., Actavis LLC, Actavis Pharma, Inc. f/k/a Watson Pharma, Inc, Mallinckrodt, PLC, Mallinckrodt LLC, SpecGx LLC, Allergan Sales, LLC, Allergan USA, Inc., Warner Chilcott Company, LLC, Actavis South Atlantic LLC, Actavis Elizabeth LLC, Actavis Mid Atlantic LLC, Actavis Totowa LLC, Actavis Kadian LLC, Actavis Laboratories UT, Inc. f/k/a Watson Laboratories, Inc.-Salt Lake City, and Actavis Laboratories FL, Inc., f/k/a Watson

limitations. Distributors also seek leave to file under seal a memorandum (and exhibits) in support of a motion for summary judgment regarding the conspiracy claim. This motion is filed pursuant to Case Management Order Number Two: Protective Order. *See* ECF No. 441 (hereinafter “Protective Order”).

The combined brief and memorandum (and their respective exhibits) contain information that has been designated “Confidential” under the Protective Order. Movants expect that, once Plaintiffs have had an opportunity to review the combined brief and memorandum, the parties can reach agreement to de-designate much, if not all, of the material that obligates Movants to file under seal and/or to unseal the combined brief and memorandum. Movants will act promptly after filing to meet and confer with Plaintiffs about de-designation and/or unsealing. Following that meet and confer, Movants will file a public version (with appropriate redactions as necessary) of the combined brief and memorandum in accordance with Paragraph 62 of the Protective Order.

Laboratories, Inc.-Florida. Teva Pharmaceutical Industries, Ltd., Allergan plc, and Mallinckrodt plc are respectively an Israeli corporation, Irish holding company, and Irish company that are not subject to and contest personal jurisdiction for the reasons explained in their pending motions to dismiss for lack of personal jurisdiction; they are specially appearing to join this motion as a result of the Court’s summary judgment deadline, and, thus, they do not waive and expressly preserve their pending personal jurisdiction challenges. Noramco, Inc. is alleged to be a former subsidiary of Johnson & Johnson and joins in this motion to the extent applicable, yet notes that it does not (and did not at all material times relevant hereto) manufacture, package, brand, market, distribute, or sell the finished drug products at issue in this litigation, and it reserves all rights and defenses specific to it..

Dated: June 17, 2019

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, F. Lane Heard III, hereby certify that the foregoing document was served via the Court's ECF system to all counsel of record.

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